



Analysis of the Implementation of Protection for Domestic Violence (KDRT) Victims in Indonesia

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Abstract. Domestic violence in Indonesia is seen as a form of human rights violations and acts of discrimination. The Indonesian government issued a policy of Law number 23 of 2004 concerning the Elimination of Domestic Violence. One of the goals of eliminating domestic violence is to protect victims. Protection is intended to provide a sense of security to the victim. This study focuses on the implementation of protection for victims of domestic violence. This research is a literature research with a descriptive qualitative approach. The results of the study revealed that the implementation of protection for victims of domestic violence was carried out through collaboration between stakeholders in accordance with their respective duties and responsibilities. Problems that still occur are the attitude of law enforcement officers who are less responsive in providing services; the available resources are not sufficient; the low awareness of the public to report incidents of domestic violence experienced or witnessed resulted in not many cases of domestic violence being revealed to the surface so that law enforcement officers were unable to provide protection.

Keywords: implementation · protection · domestic violence

1 Introduction

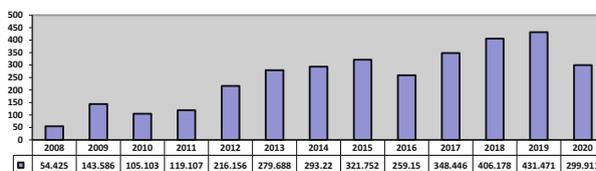
The Assistant Deputy for the Protection of Women's Rights and Domestic Violence at the Ministry of Women's Empowerment and Child Protection [1], in a press release Number: B-046/Set/Rokum/MP 01/03/2019 stated that the number of Domestic Violence was alarmingly high. This condition is based on the increasing number of domestic violence [1]. Based on data collected from several countries in the world, the majority of victims of domestic violence are women [2–4].

Based on records from Komnas Perempuan, violence experienced by women tends to be high. This can be seen in the Fig. 1.

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^a. Source: Komnas Perempuan Annual Note 2021

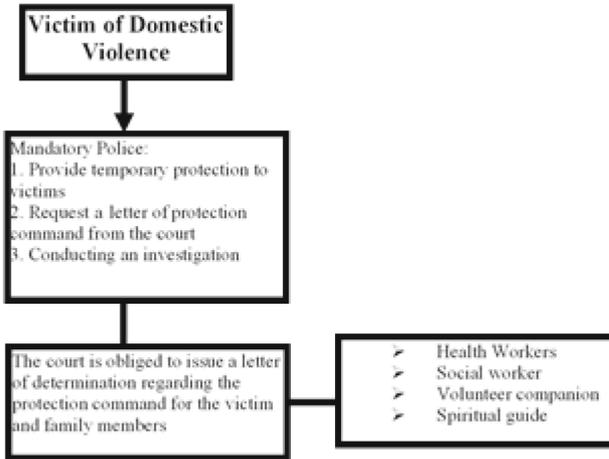
Fig. 1. Diagram of the Number of Violence against Women from 2008–2020

The diagram shows that violence against women tends to increase with a relatively high number of cases. There was a decline in 2010, 2016 and 2020. In 2020 there was a decrease in cases due to decreased questionnaire returns due to the Covid-19 pandemic conditions which forced adjustments to the service work system and needed time to adapt. In addition, the existence of social restrictions during the pandemic, the victim is close to the perpetrator so that the victim does not dare to report; victims tend to complain to their families or remain silent; technological literacy issues and complaints service models that are not ready for the pandemic conditions (not yet adapted to online complaints). On the other hand, Komnas Perempuan, which provides online complaint services, reported an increase in complaints by 60% from 1,413 cases in 2019 to 2,389 cases in 2020 [5].

Domestic violence in Indonesia is seen as a form of human rights violations and acts of discrimination based on Article 28 of the 1945 Constitution and its amendments. The government issued a policy of Law no. 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT) as an effort to prevent, provide protection and save victims and provide punishment for perpetrators [6]. According to Law Number 23 of 2004 article 4, the purpose of eliminating domestic violence is to prevent all forms of domestic violence, protect victims and take action against perpetrators of violence and maintain a harmonious and prosperous household.

Protection is all efforts aimed at providing a sense of security to victims carried out by the family, advocate, social institutions, police, prosecutors, courts, or other parties, either temporarily or based on court decisions. Meanwhile, the definition of the protection of women and children according to the Presidential Regulation of the Republic of Indonesia Number 18 of 2014 concerning the Protection and Empowerment of Women and Children in Social Conflict is an effort to prevent and handle all forms of violence and violations of the rights of women and children, as well as to provide basic and specific needs services. Women and children are crucial components of conflict management.

Protection for victims of domestic violence is regulated in CHAPTER IV of Law no. 23 of 2004 which states that protection is carried out by providing temporary protection by the police and protection from the court. Temporary protection is protection for victims of domestic violence that is given directly by the police and/or social institutions or other parties prior to the issuance of a protection order from the court (Law No. 23 of 2004, articles 16 to 31). In this protection, victims also have the right to receive services



^b. Processed by the Author Referring to the PKDRT Law Chapter IV Articles 16-38

Fig. 2. Flow of Protection for Victims of Domestic Violence

and assistance from health workers, social workers, volunteers, spiritual guides, and advocates. Through temporary protection, it is hoped that the victim will get a sense of security from repeated acts of violence by the perpetrator. Protection from the court will take effect after the court has issued and issued a protection order for one year or more. This is regulated in articles 32 to 34 of Law No. 23 of 2004.

In summary, the process of providing protection to victims of domestic violence can be seen in the Fig. 2.

The police agency that received complaints about acts of violence, to protect victims who reported the violence they experienced. After the reporting process, the police make a case file which will then be transferred to the prosecutor's office. Then the prosecutor will make indictments and demands which will finally be decided by the judge in court. The police can work together with health workers, social workers, volunteer companions and spiritual guides to accompany victims [7].

Normatively, the protection of victims of domestic violence is good, but in reality the handling of cases of domestic violence has not been carried out in accordance with the laws and regulations due to the process of examining cases at the police department that has not gone well [8]. Investigators who are not professional in carrying out their duties are one of the obstacles faced by law enforcement [9]. Many law enforcement officials do not understand the PKDRT Law, so there are obstacles in the process of investigating domestic violence cases when victims report to the RPK (Special Service Room) located at the Regional Police of each province in Indonesia [10]. PKDRT policies have not been fully enforced effectively to provide protection for victims of domestic violence [6].

From the consideration of the Law on the Elimination of Domestic Violence above, the state pays attention to protecting its citizens, especially women who are generally vulnerable to becoming victims. This description is the basis for research on the implementation of protection for victims of domestic violence in Indonesia.

2 Research Methods

This article is a library research or what is commonly called a literature study. The approach used is qualitative with descriptive analysis method. The data is sourced from journal articles, books, policies/regulations, reports, and news from online media. Data collection techniques are carried out by searching, collecting, and studying the written material. Data searches were carried out through the internet using research databases, websites of authoritative institutions, online media websites and through reading books or e-books. The research databases used to search for published articles are Science Direct, Scopus, Google Search, and Google Scholar. The applications used are Publish or Perish 7, Mendeley, and Google Chrome. Data analysis techniques were carried out through the stages of organizing data, reading (taking notes), describing, clarifying, interpreting data into codes and themes, drawing conclusions [11].

3 Results and Discussion

The police and the Integrated Service Center for the Empowerment of Women and Children (P2TP2A) act as implementers of providing protection and recovery for victims of violence, including domestic violence (Law Number 23 of 2004; Regulation of the Minister of PPPA Number 5 of 2010). The PPA unit cooperates with P2TP2A in handling cases of domestic violence because it is an inseparable unit. P2TP2A provides supporting facilities and facilities to resolve cases of domestic violence through commitment and adequate budgeting to support the fulfillment of the rights of victims of domestic violence [11]. Every domestic violence case reported to P2TP2A will be forwarded to the police service center according to the jurisdiction of the domestic violence case that occurred [12]. Victims report to P2TP2A by coming in person, making a complaint by telephone or as a referral from another institution [13]. So, in addition to reporting to the police, victims of domestic violence can also report to P2TP2A.

Normatively, the protection of domestic violence victims has been good, but in reality the handling of domestic violence cases has not been carried out in accordance with the laws and regulations due to the process of examining cases at the police department that has not gone well [8]. Usually the police wait a few days considering the possibility of the victim coming to withdraw the report or the police often recommending to just make peace and not continue the law enforcement process [6, 14]. In the condition of people who tend to use the patrilineal customary law system, the settlement of domestic violence cases uses alternative case settlements outside the judicial system or commonly referred to as Alternative Dispute Resolution (ADR) [9, 12].

Some law enforcement officers do not understand the PKDRT Law, so there are obstacles to the process of investigating domestic violence cases when victims report to the RPK (Special Service Room) [10]. As a result, the authorities tend to release the perpetrators without sanctions so that the perpetrators have the opportunity to repeat their actions and even fear that the victims will become more widespread [6, 14, 15]. Investigators who are not professional in carrying out their duties are one of the obstacles faced by law enforcement [9].

The law runs according to its function if the perpetrator of domestic violence has done a dangerous act [16]. Cases of domestic violence with mild consequences such as

bruises on the body or injuries that do not cause obstacles to activities are more often underestimated [12]. Physical violence is severe if the victim is unable to carry out routine activities and physical violence is said to be mild if the victim is still able to carry out his activities [17].

In addition, law enforcement officers are not responsive in following up on reports of cases of violence, especially domestic violence, both at the police, prosecutors, and law enforcers in court (judges) [14, 18–20]. Many reports of domestic violence do not proceed to the stage of investigating the perpetrators, thus strengthening the victim's belief that even if someone reports, they will not receive special protection from law enforcement, especially the police [21].

The problem of human resources is not only related to the ability of human resources but also to the number of human resources involved in carrying out tasks. Almost all elements of the police have problems with personnel resources, especially female officers who handle domestic violence cases that are not proportional to the number of cases [9, 11, 22–24]. Ideally, cases of domestic violence are handled by female police officers, but currently the number of female policewomen is still very limited [24–26]. In some Integrated Service Centers (PPT), assistants and counselors are also still lacking when compared to the number of victims [13].

Another indication of uncontrolled domestic violence cases is due to the inappropriate type of criminal sanctions set [29]. Until now there has not been found any demands for imprisonment and maximum fines other than the main criminal and fines that will be given to the perpetrators and there has been no decision from the court that regulates additional crimes against perpetrators of domestic violence [49]. Several judges' decisions show that on average, judges sentence perpetrators of acts of violence, especially physical violence, to a prison sentence of several months and a fine of Rp. 500,000 [6]. In imposing criminal sanctions, judges are required to maximally punish perpetrators based on their criminal acts as stated in the criminal provisions of Articles 44 to 53 of the PKDRT Law, but in reality legal protection for women victims of domestic violence is not optimal [27].

The strong public perception that domestic violence is a personal or household issue so that it is not appropriate to be interfered with by other people or the police [28, 29] complicates the investigation process. It is a shame if the ugliness of the household is known to people and the devotion of a wife to her husband still dominates households in Indonesia [19].

Another reason is that they don't have the heart to reply to their partner by reporting to the police and there is dependence on their partner [8, 14, 24, 25, 27, 30, 31]. Victims often withdraw their reports if they feel the reports have deterred their husbands or partners so that the authorities cannot provide maximum protection. The results of observations in the Religious Courts and District Courts show that more wives/victims choose to resolve cases of violence experienced through civil law in the Religious Courts, because the settlement time is not long, with the final verdict being limited to compensation and the husband does not need to be detained or imprisoned [32].

The successful implementation of complex policies requires good cooperation from all stakeholders because often in the implementation process the stakeholders involved

face various challenges. Referring to Ali's opinion [4], in the implementation of protection for victims of domestic violence, the character of stakeholders can influence their role in carrying out policies. Every role of stakeholders will support the success of policy implementation [33]. According to van Metter & van Horn [34], policy performance is influenced by the suitability between implementing agents and policy objectives.

The ability and success of eliminating domestic violence is not only determined by the existence of perfect and adequate laws and regulations as stipulated in the law on the elimination of domestic violence, but also by law enforcers to carry out their duties, especially starting investigations and investigations. Occurrence of domestic violence [9].

Law enforcement officials who are less responsive in providing services to protect victims of domestic violence are a form of rejection that subtly hinders policy implementation [35]. According to van Metter & van Horn [34], the attitude of acceptance or rejection of policy implementers will affect the success or failure of policy implementation. Policy implementation can fail (frustrated) when the implementers (officials) are not fully aware of the standards and objectives of the policy. Implementors are likely to fail in implementing the policy because they do not accept the standards and objectives of the policy so they are not responsible for implementing the policy.

Protection is intended so that victims are protected and free from violence or threats of violence, torture or treatment that degrades the degree and dignity of humanity [36]. Officials who do not understand tend to solve problems outside the judicial system and release perpetrators without sanctions so that the perpetrators have the opportunity to repeat their actions and even fear that the victims will become wider.

The attitude or character of the implementers is a factor that influences policy implementation. In addition to having the skills needed to implement policies, implementers are required to know what to do and must have the motivation to implement a policy [35]. Justice in gaining access can support the legal process and can reconcile disputing parties as well as a form of coercive action [37].

Law enforcers must carry out their duties according to their respective functions and roles in accordance with applicable regulations, be professional and fair and can be trusted and become role models from the community [16]. Hogwood and Gun in Agustino stated that to achieve success in implementing policies, implementers must have a deep understanding and mutual agreement on the goals to be achieved [38]. Van Mater and Van Horn (1975) explain that knowledge (cognition), understanding, and deepening (comprehension and understanding) of policies can affect the ability and willingness to implement policies.

Increased understanding of domestic and family violence as coercive control by legal actors can help to avoid opportunities for abuse of the legal system [37]. Understanding that is less influenced by different interpretations of PKDRT policies as well as cultural influences and the old paradigm that domestic violence is a family problem [6, 9, 10, 12]. According to Edward III [35], this is related to the existence of obstacles in the transmission of communication, namely the problem of capturing information caused by the perception and inability of the implementers to understand the requirements of a policy.

Optimizing individual human resources is an effort to achieve healthy institutional targets [39]. According to Van Metter and van Horn [34], humans are the most important resource in determining the success of the policy implementation process. Certain stages of the entire policy implementation process require qualified human resources in accordance with the work required by the policy. When the competence and capability of human resources is nil, then the performance of public policies is very difficult to expect. Competent and capable policy implementers are needed for the success of a policy [40].

The success of policy implementation also requires quantitative human resource support. According to Edward III [35], failures that often occur in policy implementation are caused by inadequate or inadequate staff. Puspawati the number of human resources that are not commensurate with the tasks carried out will be a gap in policy implementation because it is difficult to carry out all tasks optimally [41].

In addition to human resources, facilities affect law enforcement. Facilities or means that support law enforcement include good equipment and sufficient finances [16]. According to Edward III [35], without supporting facilities (facilities and infrastructure) the implementation of the policy will not succeed. When the number and quality of resources have been met, while facilities and funds are not available, problems will arise in achieving the desired goals [34].

Social support, seeking help, and the availability of community-based services are factors that can protect victims of partner violence [42]. Weak public support because the paradigm that exists in the community is a problem in policy implementation [14]. Aminuzzaman in his research results stated that policy implementation requires public support through community participation [43].

People who are victims of domestic violence as the target group must try to change their views about domestic violence. So far, people understand that domestic violence is a trivial matter or family problem that must be covered up, not a violation of human rights [9, 12, 29, 31, 36, 44–49]. The lack of public awareness has resulted in not many cases of domestic violence being revealed to the surface.

Mazmanian & Sabatier stated that the ease of controlling problems affects policy implementation. Mazmanian and Sabatier also explain that the success of policy implementation is also influenced by the level and scope of behavior that is expected to change [50]. The greater the number of expected behavior changes, the more difficult it is to bring about a successful implementation. Therefore, it is absolutely necessary for serious efforts from all stakeholders to change the existing paradigm in the community related to domestic violence.

The unresponsive attitude of law enforcement officers in following up on reports of cases of domestic violence is one of the reasons victims and the public do not report incidents of violence they experience or witness. The attitude of this apparatus is supported by the culture of the community which places more emphasis on the ideology of family harmonization. If there is a problem in the household, as long as it can be resolved in a familial way, this path will be chosen.

The lack of meaningfulness of the problem is the cause of the policy not being implemented properly [14]. Tummers & Bekkers in their research results confirm that meaningfulness to clients affects the desire to implement public policies [44]. It takes the participation of the community and stakeholders in implementing policies [43]. The

need for compliance of all stakeholders is the key to successful implementation [51]. The attitude and commitment of policy implementers and community support are absolutely essential keys to policy success [52].

4 Conclusion

The implementation of protection for victims of domestic violence is carried out through collaboration between stakeholders in accordance with their respective duties and responsibilities. However, there are several aspects that have not gone well, including:

- a. the attitude of law enforcement officers who are less responsive in providing services;
- b. there are obstacles in the transmission of communication so that understanding of the philosophy of PKDRT policy is still lacking;
- c. existing resources have not supported the successful implementation of protection: investigators have not carried out legal service processes for victims by carrying out protection procedures according to policies; the number of human resources (staff) on duty in the PPA and P2TP2A units is not yet proportional to the number of cases of violence that must be handled, causing the provision of services to victims of domestic violence is not optimal; limited RPK in police offices, and the existence of government-owned safe houses is also not evenly distributed in every regional service unit;
- d. the low awareness of the public to report incidents of domestic violence experienced or witnessed resulted in not many cases of domestic violence being revealed to the surface so that law enforcement officers were unable to provide protection. Victims or the public are reluctant to report, due to the attitude of law enforcement officers who are less responsive and supported by a community culture that prioritizes family harmonization.

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